IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 11TH SEPTEMBER 2007 / 20TH BHADRA 1929

WP(C).No. 20410 of 2006(D)

PETITIONER:

SANGAMESAN, AGED 55,
S/O.RAMAPODUVAL, PUTHUVATHIL VEEDU,
THAZHEKKAD.P.O, THRISSUR.

BY ADV. SRI.SHEEJO CHACKO
SRI.M.N.MANOJ

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY TO LOCAL SELF GOVERNMENT DEPT.,
SECRETARIATE, THIRUVANANTHAPURAM.

2. DIRECTOR OF LOCAL FUND AUDIT,
THIRUVANANTHAPURAM.

3. DIRECTOR OF PANCHAYATH,
THIRUVANANTHAPURAM.

4. DEPUTY DIRECTOR OF PANCHAYATH,
THRISSUR.

BY GOVT. PLEADER MR.K.J.MOHAMMED ANZAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE,J.

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W.P.(C) No. 20410 of 2006

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Dated: 11th September, 2007

JUDGMENT

A detailed counter affidavit has been filed by the 2nd respondent refuting the various grounds raised in the Writ Petition. But my attention was drawn by the counsel for the petitioner to the judgment of this court in W.P.C.No.11657/07 and also to my own judgment in W.P.C.No.5719/06. The petitioner also relies on sub-section (9) of Section 215 of the Kerala Panchayat Raj Act and contends that surcharge proceedings shall not be made after a period of four years from the date on which the expenditure in question was incurred. The reasons stated by this court in the judgment in W.P.C.No.11657/07 have considerable appeal in this case also. Accordingly, Ext.P6 is quashed and the 2nd respondent is directed to take a fresh decision in the matter after affording an opportunity of hearing to the petitioner. It is open to the petitioner to raise all available contentions and rely on judgments of this court in W.P.C.Nos.11657/07 and 5719/06.

The Writ Petition is allowed as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**